

REMARKS/ARGUMENTS

Drawing Objection

The drawing was objected to as being unclear with respect to the understanding of the claimed invention. The applicant disagrees, especially in view of Figure 5, which provides a perspective view of the device and interconnections that should unambiguously inform a person of ordinary skill in the art of the claimed configuration. Nevertheless, replacement sheets for Figures 3 and 4 are enclosed herewith to further assist the office. No new matter was introduced by eliminating the background of Figures 3 and 4.

35 USC § 102(b)

Claims 1-3, 7-10, 15, and 17-20 were rejected under 35 USC § 102(b) as being anticipated by Yu (U.S. Pat. No. 6,247,749). The applicant respectfully disagrees for various reasons. Specifically, and among other elements, amended claim 1 and amended claim 15 expressly require "...support rods to which a *hammock* is coupled...".

It should be noted that the term "hammock" is well defined and known in the art. For example, the Merriam Webster Online Dictionary 2006 identifies the hammock as "A swinging couch or bed usually made of netting or canvas and slung by cords from supports at each end". Similarly, the Wordnet Lexical Database (Cognitive Science Laboratory Princeton University 221 Nassau St. Princeton, NJ 08542A) identifies the hammock as "A hanging bed of canvas or rope netting".

It should further be noted that that anticipation under Section 102 requires "the presence in a single prior art disclosure of all elements of a claimed invention *arranged as in that claim.*" *Panduit Corp. v. Dennison Manufacturing Co.*, 774 F.2d 1082, 1101, 227 U.S.P.Q. (BNA) 337, 350 (Fed. Cir. 1985) (quoting *Connell v. Sears, Roebuck & Co.*, 722 F.2d 1542, 1548, 220 U.S.P.Q. (BNA) 193, 198 (Fed. Cir. 1983)). Clearly, a hammock is not a seat. Such deficiency was apparently also recognized as the examiner failed to indicate which of Yu's element would be the hammock.

Moreover, anticipation under 35 U.S.C. § 102 requires the presence in a single prior art disclosure of *each and every element of a claimed invention.* *Verdegaal Bros., Inc. v. Union Oil*

Co., 814 F.2d 628, 631, 2 U.S.P.Q.2D (BNA) 1051, 1053 (Fed. Cir. 1987); *Carella v. Starlight Archery*, 804 F.2d 135, 138, 231 U.S.P.Q. (BNA) 644, 646 (Fed. Cir.), modified on reh'd, 1 U.S.P.Q.2D (BNA) 1209 (Fed. Cir. 1986); [**7] *Jamesbury Corp. v. Litton Indus. Prods., Inc.*, 756 F.2d 1556, 1560, 225 U.S.P.Q. (BNA) 253, 256 (Fed. Cir. 1985); *Lindemann Maschinenfabrik GMBH v. American Hoist & Derrick Co.*, 730 F.2d 1452, 1458, 221 U.S.P.Q. (BNA) 481, 485 (Fed. Cir. 1984); *Connell v. Sears, Roebuck & Co.*, 722 F.2d 1542, 1548, 220 U.S.P.Q. (BNA) 193, 198 (Fed. Cir. 1983). Absent the fact that there is no hammock in Yu's chair, Yu also fails to teach a support rod as presently claimed in the amended claims 1 and 15. Consequently, amended claims 1 and 15, and dependent claims **2-3, 7-10, and 17-20** are not anticipated by Yu.

Additionally, and with respect to the examiner's rejection of claim 2, the rigid members 12-16 are inconsistent with the support rods as presently claimed as they are clearly not arranged as in the chair of Yu.

Additionally, and with respect to the examiner's rejection of claims 8-10, the flexible element 44 as indicated by the office is a seat and inconsistent with the flexible element as presently claimed as it is clearly not arranged as in the chair of Yu.

Additionally, and with respect to the examiner's rejection of claims 17-20 it should be noted that the legs (numerals 20, 22, 40, 42 as identified by the examiner) in Yu's chair are not rotatably coupled to each other. Moreover, the sheet 44 as indicated by the office is a seat and inconsistent with the sheet as presently claimed as it is clearly not arranged as in the chair of Yu.

Claim 15 was further rejected under 35 USC § 102(b) as being anticipated by Wu (U.S. Pat. No. 6,467,109). The applicant respectfully disagrees for various reasons. Specifically, and among other elements, amended claim 15 expressly requires a "...pair of cross braces that are *rotatably coupled to each other* ...". Such is not the case in Wu. Moreover, amended claim 15 further expressly requires interconnectivity to allow that the "...hammock stand collapses in a *simultaneous front-to-back and side-to-side motion*..." Figures 1-5 depict sequential and one-at-a-time collapsing of the stand, which necessitated by the manner of interconnecting the various elements. Clearly, and at least for these reasons, claim 15 is not anticipated by Wu.

35 USC § 103

Claims 4-6, 11-14, and 16 were rejected under 35 USC § 103 as being obvious over Yu in view of Sarasin (U.S. Pat. No. 3,206,773). The applicant again respectfully disagrees for various reasons.

First of all, Sarasin's *element 16 is a U-shaped top frame member and not a connector rod* as alleged by the office. Therefore, the cited references fail to teach each and every element. Still further, the office appears to argue that improved stability would have motivated a person of ordinary skill in the art to make the combination of Sarasin's connector rod (which is actually a top frame member) with Yu's chair (which is not a hammock stand) to arrive at the invention as presently claimed. Such alleged motivation is entirely spurious and lacks descriptive support: Neither Yu nor Sarasin mention expressly or implicitly that their structures would lack desirable structural rigidity. Further, the examiner also failed to provide any record to substantiate general knowledge in the art of such lack of desirable structural rigidity in hammock stands.

It is pointed out that in considering motivation in the obviousness analysis, the problem examined is not the specific problem solved by the invention but the *general problem that confronted the inventor before the invention was made*. See, e.g., Cross Med. Prods., Inc. v. Medtronic Sofamor Danek, Inc., 424 F.3d 1293, 1323 (Fed. Cir. 2005) ("One of ordinary skill in the art need not see the identical problem addressed in a prior art reference to be motivated to apply its teachings."); Ecolochem, Inc. v. S. Cal. Edison Co., 227 F.3d 1361, 1372 (Fed. Cir. 2000). Indeed, although the suggestion to combine references may flow from the nature of the problem, *defining the problem in terms of its solution reveals improper hindsight in the selection of the prior art relevant to obviousness* (quoting Monarch Knitting Mach. Corp. v. Sulzer Morat GmbH, 139 F.3d 877, 881 (Fed. Cir. 1998)).

With further respect to the rejection of claim 11-14 and 16, it is entirely unclear to the applicant what the examiner intends to express with respect to the first, second, third, and fourth connector rods. On page 5 in paragraph 5, the examiner identified the item 62 as a support rod, while on page 6 item 62 is identified as connector rod (which was previously identified by the office as item 16). Clarification is respectfully requested. With regard to the alleged motivation,

the same considerations as presented above apply (the examiner again cited increased structural rigidity as motivation).

Additionally, and with respect to the examiner's rejection of claim 12, it is pointed out that the hammock of the claim is coupled to the support rods, which is entirely inconsistent with the structure taught by Sarasin.

Additionally, and with respect to the examiner's rejection of claims 13-14, it is pointed out that the sheet of fabric 44 as indicated by the office is a seat and inconsistent with the flexible element as presently claimed.

Therefore, and at least for these reasons, claims 4-6, 11-14, and 16 should not be properly rejected under 35 USC § 103 as being obvious over Yu in view of Sarasin.

In view of the present amendments and arguments, the applicant believes that all claims are now in condition for allowance. Therefore, the applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

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By


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